

Atty. Docket No. JP919990315US1
(590.048)

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. In the Office Action dated August 24, 2007, claims 1-6 and 8-20 were pending. Claims 1, 6, 10, 13, and 16-19 are independent; the remaining claims are dependent. A new rejection was made rejecting pending Claims 1-6 and 8-20 under 35 U.S.C. § 103(a) and the rejection was made final. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

It should be noted that Applicants have amended claims 1, 6, 10, 13, and 16-19 and cancelled claims 5 and 12 from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications

Rejection of claims under § 103(a)

Claims 1, 5, 6, 8-10 and 13-19 stand rejected as being unpatentable over U.S. Patent No. 6,993,559 to Jilk et al. (hereinafter "Jilk") in view of U.S. Patent No. 5,896,506 to Ali et al. (hereinafter "Ali") under 35 U.S.C. § 103(a). Claims 2-4, 8, 11, 12 and 20 stand rejected as being unpatentable over Jilk in view of Ali, and in further view of U.S. Patent No. 6,594,682 to Peterson et al. (hereinafter "Peterson") under 35 U.S.C. §

Atty. Docket No. JP919990315US1
(590.048)

103(a). Applicants respectfully request that the Examiner reconsider and withdraw these rejections.

Applicants have previously undertaken to explain the distinguishing features of the invention in view of the art of record. The remarks submitted with the previous amendments remain equally applicable here and are therefore incorporated by reference as if set forth herein. In the interest of brevity and clarity, Applicants will briefly explain distinguishing features of the instantly claimed invention and contrast these with the teachings of the prior art.

Briefly, the present invention broadly contemplates a system and method for web page acquisition which 1) *reduces the waiting time experienced by a user* who accesses a network site when the network is busy and 2) *reduces the requests sent to the web page server*. *Specification*, page 4, lines 15-17. As discussed in the application, a schedule for the acquisition of a web page is prepared by applying a predetermined scheduling rule for an acquisition list that comprises acquisition requests. *Id* at page 25, lines 1-10. These requests are combined so that the requests in the list will not overlap with one another; *that is, an integrated list is formed so as to maximize the return of web pages requested while minimizing the number of requests that need to be made*. One such scheduling rule is the acquisition of a web page to be performed within a time period during which the volume of the communication traffic is small. *Id* at page 25, lines 8-10. The web page source that is acquired can be formed into a library file that can be both stored in a web page acquisition server as well as transmitted to the user. This is preferable because the

Atty. Docket No. JP919990315US1
(590.048)

user is able to handle the web page sources as a single local file rather than multiple pages that need to be accessed via the Internet. *Id* at page 7, lines 9-13.

Among others, advantages of the approach of the instantly claimed invention are:

1) the user may obtain web pages at off peak times, thus, e.g. reducing the time the user must wait to view web pages; and 2) the servers holding the web pages receive reduced requests due to pooling and single submission of repetitive user requests. Thus, to accomplish these goals the instantly claimed invention allows users to submit their requests *to a page acquisition server, this server collects and schedules the requests to accomplish the two advantages discussed above* (i.e. reduce users' waiting time and reduce requests sent to web server).

The Examiner cites Jilk as the base reference for establishing a 103(a) obviousness rejection, in some combination with Ali and Peterson. These references will be briefly explained and contrasted with the instantly claimed invention.

As best understood, Jilk appears to be directed towards a method of operating one or more Web pages by email. Jilk maintains a queue that holds URL requests, such that those requests are retrieved in priority order and are utilized to transmit the web page via email. *This is in stark contrast to the instant invention, in which a plurality of users are requesting web pages and the web page requests are processed such that there are no overlapping requests. In other words, the requests are not simply handled in priority order as in Jilk, rather they are integrated to the extent possible and submitted as a single request, with results ultimately being distributed to the plurality of users that made*

Atty. Docket No. JP919990315US1
(590.048)

the similar requests. This helps, *inter alia*, reduce the number of requests sent to the web page server.

There is no teaching or suggestion in Jilk that these requests are non-overlapping. Further, Jilk does not disclose that a plurality of users are requesting web pages. Rather, a URL request is transmitted via email, *and that request is maintained in a queue.* Although Jilk teaches receiving requests from a user from a web browser, these requests are from the user and placed in the same priority queue, and receive the same processing treatment as if they had been emailed (i.e. they are not integrated into a single, non-overlapping list). Thus, the requests are not from a plurality of users, nor is there any teaching to avoid repetitive requests. Rather, one user is accessing web pages and the requests are processed in priority order. Thus, Jilk fails to teach the generation of *an integrated* web page acquisition list that comprises non-overlapping requests *from a plurality of user terminals*, and that this list is utilized to make a reduced number of requests for similar web pages requested by the plurality of users, as is currently claimed.

As best understood, Ali does not overcome the deficiencies of Jilk described above. Ali teaches a cached library server for retrieving information for clients. Nowhere does Ali teach or suggest that client requests from web page servers should be integrated into a single request so as to reduce the requests ultimately sent to the server. Rather, Ali is directed to “store objects in a centralized server for backup and security while making those objects available to users.” *Ali*, Col. 4, lines 23-25. This is accomplished by employing a cache server which satisfies a request for an object if the object is on the cache server, or allows a user to retrieve the object from the main server,

Atty. Docket No. JP919990315US1
(590.048)

should the object not already be stored on the cache server. If the latter case is encountered, the object is then copied to the cache server in anticipation of the next request. *Id* at Col.5, lines 10-30. This stepped-request approach is in stark contrast to the instantly claimed invention, wherein a plurality of users can obtain web pages more quickly by properly scheduling and managing web page requests, as discussed above.

As best understood, Peterson does not overcome the deficiencies of Jilk and Ali, as above. Peterson discloses a client based system for scheduling a time to obtain web content (e.g. pages) from a web page server. *Peterson*, Abstract. As an initial matter, Peterson's main focus is different in that it is a client based system; this stands in stark contrast to the instantly claimed invention, which utilizes a server to manage and schedule web page requests. Thus, Peterson fails to teach or suggest management of more than one users requests, as all the requests managed by Peterson are so managed by the client based system (e.g. a single user's computer). Peterson does, however, describe a different, web cast implementation (e.g. an intermediary distribution entity), but fails to teach or suggest that this implementation should manage the user's requests in the same fashion as the client based system. *Id* at Col. 13, line 66-Col. 14, line 53. Moreover, nowhere in Peterson is it taught or suggested that more than one users' requests should be integrated into an integrated list and submitted as a single, non-overlapping request such that the burden on the web page server is reduced. Thus, Peterson also fails to overcome the deficiencies of Jilk and Ali.

Solely in an effort to expedite prosecution, Applicants have amended the independent claims to recite, *inter alia*,

Atty. Docket No. JP919990315US1
(590.048)

wherein, when said web page acquisition server receives from the plurality of user terminals a plurality of web page acquisition requests for the same page, said web page acquisition server obtains and archives, utilizing a single request to a web server and according to the integrated list, a corresponding web page source for said plurality of requests such that a web page must be requested and obtained only once for the plurality of users terminals, and transmits said web page source to said user terminals that issued said web page acquisition requests.

(Claim 1). The remaining independent claims contain similar language. This language essential incorporates the limitations of newly cancelled dependent claims 5 and 12 and additionally includes language to clarify that not only is a single user's request scheduled so as to minimize the waiting time endured by that user, but so are multiple requests by a plurality of users integrated so as to reduce the burden on the web server by issuing less requests. Thus, an integrated list is formed, whereby any repetitive requests are combined and submitted as a single request, thus reducing the burden on the web page server.

As the Examiner is assuredly aware, to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 there must be: (1) a suggestion or motivation to modify a reference or combine references; (2) a reasonable expectation of success in making the modification or combination; and (3) a teaching or suggestion to one skilled in the art of all the claim limitations of the invention to which the art is applied. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicants respectfully submit that neither Jilk, Ali, nor Peterson, either considered alone or in any combination, teach or suggest all the limitations of the independent claims. The remaining claims depend from the independent claims and so are all allowable for at least the same reasons as the

Atty. Docket No. JP919990315US1
(590.048)

independent claims. Thus, Applicants respectfully request that the Examiner withdraw the rejection of the claims under 35 U.S.C. § 103(a).

Request for Telephone Interview

Applicants respectfully request that, after taking up and considering this Amendment, the Examiner contact the undersigned at the telephone number listed below should the application not be in condition for allowance. Applicants respectfully submit that this is a particularly appropriate request in light of the prosecution history of this application, in which many Office Actions have been issued and a third Request for Continued Examination has now been submitted.

/

/

/

/

/

/

/

/

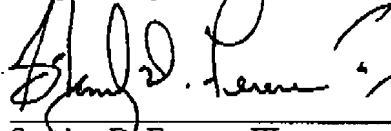
/

Atty. Docket No. JP919990315US1
(590.048)

Conclusion

In summary, it is respectfully submitted that the instant application, including Claims 1-4, 6, 8-11, and 13-20, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Stanley D. Ference III
Registration No. 33,879

Customer No. 35195
FERENCE & ASSOCIATES LLC
409 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400
(412) 741-9292 - Facsimile

Attorneys for Applicants